

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CANNING LOGISTICS SERVICES, LLC,

Plaintiff,

vs.

**BAXTER BAILEY & ASSOCIATES, INC.,
a Mississippi Corporation; JT REESOR,
and PAUL FOWLER,**

Defendants.

8:17CV116

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Motion for Enlargement of Time, ECF No. 37, filed by Plaintiff Canning Logistics Services, LLC, (“Canning”). On May 16, 2017, the Court issued a preliminary injunction, ECF No. 34, enjoining Defendants from attempting to collect on any debts owed by Canning to Cyclone Carriers, LLC, (“Cyclone”) or from contacting any customers of Canning for the purposes of collecting any debts owed to Cyclone. *Id.*, Page ID 455. In accordance with Federal Rule of Civil Procedure 65(c)—which mandates that a plaintiff offer adequate security before the issuance of a preliminary injunction—the Court ordered Canning to post bond in the amount of \$350,000 within fourteen days of the order. *Id.*, Page ID 456. On the day the bond was due, May 30, 2017, Canning moved for a 45-day extension to post the bond. ECF No. 37. Defendants oppose Canning’s motion, ECF No. 38, and have moved for the preliminary injunction to be vacated, ECF No. 39.

Canning’s motion stated that Canning diligently attempted to retain a bond company in order to post bond. *Id.* ¶¶ 2–5, Page ID 459. However, Canning claims it was unable to meet the original deadline because of the Memorial Day holiday and

because Canning's bank is being acquired by another bank, which has "frozen all transactions" at Canning's bank. *Id.* ¶¶ 5 & 8. Nowhere does Canning specifically explain why it requires 45 additional days.

Rule 65(c) allows a Court to issue preliminary injunction "only if the movant gives security in an amount that the court considers proper." Accordingly, the Court will deny the motion and vacate the preliminary injunction.

IT IS ORDERED:

1. Canning's Motion to Extend Deadline to File Bond, ECF No. 37, is denied;
2. Defendants' Motion to Vacate Preliminary Injunction, ECF No. 39, is granted; and
3. The Preliminary Injunction, entered at ECF No. 34, is vacated.

Dated this 15th day of June, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge